

FILED  
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2010 MAR 23 AM 11:55

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

WILENTZ, GOLDMAN & SPITZER P.A.  
90 Woodbridge Center Drive  
Post Office Box 10  
Woodbridge, New Jersey 07095  
(732) 636-8000  
Attorneys for Plaintiffs  
Lawrence C. Weiner, Esq. (LW-1492)  
Alan Wasserman, Esq. (AW-3667)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DANIEL ROMERO and JOANN RAGUSA,  
*Plaintiffs,*

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

*Defendants.*

Civ. No.: 09 Civ. 665 (ARR)

NOTICE OF APPEAL

-----X  
WILLIAM LEE and SZUYU PAN,

*Plaintiffs,*

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

*Defendants.*

Civ. No.: 09 Civ. 1721 (ARR)

Consolidated with 09 Civ. 665 (ARR)

-----X  
KYUNG YEOL SHIN,

*Plaintiff,*

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

*Defendants.*

Civ. No.: 09 Civ. 845 (ARR)

Consolidated with 09 Civ. 665 (ARR)

-----X  
LORA KAYE,

*Plaintiff,*

-against-

BORDEN EAST RIVER REALTY LLC and  
JOSEPH SIMONE,

*Defendants.*

Civ. No.: 09 Civ. 1228 (ARR)

Consolidated with 09 Civ. 665 (ARR)

-----X		
JOHN GAENZLER and SARA MOSCOSO-	:	
GAENZLER,	:	
	<i>Plaintiffs,</i>	Civ. No.: 09 Civ. 1303 (ARR)
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Consolidated with 09 Civ. 665 (ARR)
JOSEPH SIMONE,	:	
	<i>Defendants.</i>	
-----X		
ANTHONY ALLICINO,	:	
	<i>Plaintiff,</i>	Civ. No.: 09 Civ. 1455 (ARR)
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Consolidated with 09 Civ. 665 (ARR)
JOSEPH SIMONE,	:	
	<i>Defendants.</i>	
-----X		
JULIE and DAVID LIEVRE,	:	
	<i>Plaintiffs,</i>	Civ. No.: 09 Civ. 1984 (ARR)
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Consolidated with 09 Civ. 665 (ARR)
JOSEPH SIMONE,	:	
	<i>Defendants.</i>	
-----X		
ZACK FERGUSON-STEGER,	:	
	<i>Plaintiff,</i>	Civ. No.: 09 Civ. 1196 (ARR)
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Consolidated with 09 Civ. 665 (ARR)
JOSEPH SIMONE,	:	
	<i>Defendants.</i>	
-----X		

**NOTICE IS HEREBY GIVEN THAT** Plaintiffs Daniel Romero, Joann Ragusa, William Lee, Szuyu Pan, Kyung Yeol Shin, Lora Kaye, John Gaenzler, Sara Moscoso-Gaenzler, Anthony Allicino, Julie Lievre, David Lievre, and Zack Ferguson-Steger hereby appeal to the United States Court of Appeal for the Second Circuit pursuant to FED. R. APP. PROC. 3(b)(1) from the Judgment of the above Court granting Defendants, Borden East River Realty LLC's and

Joseph Simone's Motion for Summary Judgment, holding that they are exempt from the Interstate Land Sales Full Disclosure Act's registration and disclosure requirements pursuant to the Under 100 Lot Exemption, 15 U.S.C. §1702(b)(1) and the Improved Lot Exemption, 15 U.S.C. §1702(a)(2), and dismissing Plaintiffs' claims for rescission of their purchase agreements, return of their deposits and interest, and payment of attorneys' fees, entered in this action on the 15th day of March, 2010.

**WILENTZ, GOLDMAN & SPITZER P.A.**

Attorneys for Plaintiffs, Daniel Romero, Joann Ragusa, William Lee, Szuyu Pan, Kyung Yeol Shin, Lora Kaye, John Gaenzler, Sara Moscoso-Gaenzler, Anthony Allicino, Julie Lievre, David Lievre, and Zack Ferguson-Steger

By: \_\_\_\_\_

LAWRENCE C. WEINER, ESQ.

Dated: March 23, 2010

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Court Name: Eastern District of New York  
Division: 1  
Receipt Number: 4653012799  
Cashier ID: ajackson  
Transaction Date: 03/23/2010  
Payer Name: GOLDMAN AND SPITZER

NOTICE OF APPEAL/DOCKETING FEE

For: GOLDMAN AND SPITZER  
Case/Party: D-NYE-1-09-CV-000665-000  
Amount: \$455.00

CHECK

Check/Money Order Num: 339325  
Amt Tendered: \$455.00

Total Due: \$455.00  
Total Tendered: \$455.00  
Change Amt: \$0.00